

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

PENSION TRUST FUND FOR OPERATING
ENGINEERS, et al.,

Plaintiffs,

v.

DALECON, INC., et al.,

Defendants.

No. C 11-02851 LB

**ORDER SETTING TELEPHONIC
STATUS CONFERENCE FOR
NOVEMBER 14, 2013**

Upon initial review of Plaintiffs' motion for summary judgment against Dalecon, Inc. (ECF No. 111), the court notes that Plaintiffs did not file along with their motion a joint statement of undisputed facts, as the court's standing order requires.¹ The court also notes that Dalecon, Inc., which has appeared and is represented by an attorney, has failed to file an opposition to Plaintiffs' motion (or a statement of non-opposition), and the deadline for doing so was November 12, 2013.

¹ The court's standing order provides as follows:

Motions for summary judgment must be accompanied by a joint statement of the material facts that the parties agree are not in dispute. The joint statement must include – for each undisputed fact – citations to admissible evidence. The parties must comply with the procedures set forth in Civil Local Rule 56-2(b). The parties may not file – and the Court will not consider – separate statements of undisputed facts. Failure to stipulate to an undisputed fact without a reasonable basis for doing so may result in sanctions. *See* Civil L. R. 56-2(b).

(Dalecon, Inc.'s counsel was served electronically through the court's Electronic Case File ("ECF") system on October 29, 2013, Proof of Service, ECF No. 114, and Dalecon, Inc.'s opposition was due 14 days later, *see* Civ. L.R. 7-3(a).)

Given this situation, the court SETS a telephonic status conference for **Thursday, November 14, 2013 at 11:00 a.m.** to discuss the matter with Plaintiffs' counsel and Dalecon, Inc.'s counsel.

The court expects this will be a quick telephone call lasting only a few minutes, and the parties are invited to appear via CourtCall. If this presents a problem for counsel, they should contact the court's courtroom deputy Lashanda Scott (415-522-3140) to discuss an alternative time. The parties should note, however, that the court wants to clear up this matter as soon as possible.

IT IS SO ORDERED.

Dated: November 13, 2013



LAUREL BEELER
United States Magistrate Judge